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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 530—Legis. 2-40-10, dated Bangalore, the 24th July 1940.

The following Notification of the Government of India is hereby republished for general information.

By Order,
B. T. KESAVIENGAR,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

NOTIFICATION.

Trading with Enemy.

The 29th June 1940.

No. 3 (12)-E. T./40.—In exercise of the powers conferred by sub-rule (3) of rule 84 of the Defence of India Rules, the Central Government is pleased to prohibit the import into British India by air or by land across any customs frontier, of any goods which are the property of an enemy as defined in rule 97 of the said Rules, or which are the produce or manufacture of any enemy territory as defined in rule 2 of the said Rules, other than goods imported under an authority given generally or specially by, or by any person authorised in this behalf by, the Central Government.

H. C. Prior,
Additional Secretary to the
Government of India.

No. E. 308—*Edn.* 52-40-2, *dated Bangalore, the 22nd July* 1940.

Under the powers vested in them as per Section 48, (2) (*d*) of the Elementary Education Act of 1930, Government direct that the Rules 14 (2) and (3) of the rules for the Constitution and Election of Members to the School Board be modified as follows:—

Rule 14 (2).

"Members of the Local Education Authority who are salaried servants of Government may vote at these elections."

Rule 14 (3).

The words "non-official" occurring in the first line will be omitted. The rule as amended will read as under:—

"Every Member of the Local Education Authority who is present at the meeting shall have as many votes as there are vacancies, provided that no member shall record more than one vote for one candidate.

By Order,

J. APPAJI GOWDA,

Secretary to Government,

General Department.

Order No. P. 371—*Legis.* 4-40-1, *dated Bangalore, the 17th July* 1940.

Ordered that the accompanying Act to provide for the imposition and the payment of duty on Gold which received the assent of His Highness the Maharaja, on the 6th day of July 1940, be published as Act No. XIX of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

ACT No. XIX OF 1940.

THE MYSORE DUTY ON GOLD ACT.

(An Act to provide for the imposition and the payment of duty on gold.)

(Received the assent of His Highness the Maharaja on the 6th day of July 1940).

Whereas it is expedient to impose a duty on gold and to provide for the payment thereof;

It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Mysore Duty on Gold Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "gold works" means any place where gold is extracted from ore;

(*b*) "owner of a gold works" includes his agents and persons in charge of the gold works; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Imposition and payment of duty on gold.

3. (*1*) There shall be paid by the owner of every gold works on all gold which is produced therein and which is issued out of the premises of such works on and after the 22nd day of March 1940, a duty at the rate mentioned in sub-section (2) and at the prescribed place.

(*2*) The duty on every ounce of gold shall be three-fourths of the amount by which its sale price exceeds one hundred rupees.

Explanation.—For the purposes of this sub-section sale price shall mean the amount realised by sale less prescribed charges, if any.

(*3*) The duty shall be payable in the prescribed manner before the end of the month immediately succeeding that in which the gold is sold.

Recovery of an arrear of duty.

4. (*1*) If any duty remains unpaid at the end of the period specified in sub-section (*3*) of section 3, it shall be deemed to be an arrear and the authority to which such

duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty unpaid which such authority may, in its discretion, think it reasonable to require.

(2) Any arrear of duty or any sum recoverable in lieu thereof under sub-section (1) shall be recoverable as an arrear of land revenue.

Issue of gold from gold works.

5. (1) No person shall issue any gold out of the premises of any gold works except in the prescribed manner and until rules in this behalf are made, except in accordance with the general or special orders of the Government.

(2) Whoever contravenes any such rule or order shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the duty payable on any gold issued in contravention of such rule or order, whichever is greater.

Power to make rules.

6. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the rules may provide for all or any of the following matters, namely:—

(a) imposing on owners of gold works the duty of furnishing returns and keeping records and books, prescribing the form of such returns, records and books and the particulars to be contained therein and the manner in which the same are to be verified and all such other conditions thereof as may be necessary;

(b) providing for the regulation of the issue of gold out of the premises of gold works;

(c) providing for the manner in which, the place at which and the authority to which the duty shall be payable and for the recovery of arrears; and

(d) providing for the inspection of gold works.

(3) Such rules may provide that any breach thereof shall be punishable with fine which may extend to five hundred rupees:

Provided that the breach of any rule under clause (b) of sub-section (2) shall be punishable with the penalty prescribed in sub-section (2) of section 5.

7. The Mysore Duty on Gold (Emergency) Act, 1940 (Act No. XVII of 1940), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Mysore Duty on Gold (Emergency) Act, 1940, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 29th day of February 1940.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 451—*Legis.* 6-40-1, *dated Bangalore, the* 19*th July* 1940.

Ordered that the accompanying Act further to amend the Mysore Land Revenue Code, 1888, which received the assent of His Highness the Maharaja, on the 9th day of July 1940, be published as Act No. XXI of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XXI OF 1940.

THE MYSORE LAND REVENUE (AMENDMENT) ACT, 1940.

(*Received the assent of His Highness the Maharaja on the 9th day of July 1940.*)

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888;

It is hereby enacted as follows :—

1. This Act may be called the Mysore Land Revenue (amendment) Act, 194 . Short title.

2. For the first proviso to section 97 of the Mysore Land Revenue Code, 1888, the following proviso shall be substituted, namely :— Substitution of proviso in section 97, Act IV of 1888.

" Provided that such application be made within two years, and in the case of alienated or kayamgutta

villages into which survey and settlement have been introduced, within six years, from the end of the revenue year or the year of tenancy in which the said rent or land revenue became payable."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 452—Legis. 5-40-1, dated Bangalore, 19th July 1940.

Ordered that the accompanying Act to provide for the levy of a tax on retail sales of Motor Spirit in Mysore, which received the assent of His Highness the Maharaja, on the 9th day of July 1940, be published as Act No. XX of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XX OF 1940.

MYSORE SALES OF MOTOR SPIRIT TAXATION ACT, 1940.

An Act to provide for the levy of a tax on retail sales of Motor Spirit in Mysore.

(Received the assent of His Highness the Maharaja on the 9th day of July 1940.)

WHEREAS it is expedient to provide for the levy of a tax on retail sales of motor spirit in Mysore;

It is hereby enacted as follows:—

1. (i) This Act may be called the Mysore Sales of Motor Spirit Taxation Act, 1940.

(ii) It extends to the whole of Mysore.

(iii) This section shall come into force at once. The Government may, by notification in the official

Gazette, apply all or any of the other provisions of this Act from such date as may be specified in the notification.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Government Treasury" means the State Huzur Treasury, Bangalore, or any District or Taluk Treasury of the Government; and includes any office or branch of a Bank notified as a Government Treasury for the purposes of this Act;

(*b*) "importer" means any person who imports motor spirit into Mysore;

(*c*) "motor spirit" means any substance which by itself or in admixture with other substances is ordinarily used directly or indirectly to provide reasonably efficient fuel for automotive or stationary internal combustion engines, and includes petrol, diesel oil and other internal combustion oils, but does not include kerosene, furnace oil, coal or charcoal;

(*d*) "petrol" means dangerous petroleum as defined in the Petroleum Act, 1923; and includes petrol mixed with alcohol in accordance with the provisions of the Mysore Power Alcohol Act, 1939;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "retail dealer" means any person who sells or keeps for sale motor spirit for the purposes of consumption by the person by whom or on whose behalf it is or may be purchased;

(*g*) "retail sale" means a sale of motor spirit by a retail dealer for the purpose of consumption by the person by whom or on whose behalf it is or may be purchased, and the expression "sell in retail" shall be construed accordingly; and

(*h*) "wholesale dealer" means any person who sells motor spirit, or keeps motor spirit for sale, to dealers in such spirit, for the purpose of trade.

Explanation.—A sale of motor spirit by a co-operative society or a club, a firm or any association to one of its members for consumption is a retail sale within the meaning of clause (*g*).

3. (i) Subject to the provisions of this Act, there shall be levied on all retail sales of motor spirit effected after the commencement of this Act, a tax,

in the case of petrol,—at the rate of one anna per gallon, and

in the case of any motor spirit other than petrol—at the rate of six pies per gallon ;

and such tax shall be payable by the person effecting the sale :

Provided that the Government may, from time to time by notification in the official Gazette, fix any other rate at which the tax shall be payable :

Provided further that no such notification shall come into force until approved by a resolution of the Legislative Council.

(ii) Where any retail dealers obtain their supplies of motor spirit from an importer or a wholesale dealer, it shall be open to the Government, by agreement with the importer or wholesale dealer, to levy from him in advance the tax which may be payable by the retail dealers under sub-section (i) on the sale by them of the motor spirit and the provisions of this Act relating to the assessment and recovery of tax shall, subject to such conditions as may be agreed upon, apply to the importer or wholesale dealer accordingly.

(iii) No tax shall be levied under this Act on the sale of any motor spirit in respect of which such tax has already been paid.

4. (i) No person shall, after the commencement of this Act, carry on business in motor spirit as an importer or as a wholesale or retail dealer at any place in Mysore unless he has been registered as such under this Act :

Provided that persons carrying on business at the commencement of this Act shall be allowed two months from such commencement to get themselves registered under this Act.

Explanation.—Where a person has more than one place of business, whether in the same town or village or in different towns and villages, he shall get himself registered separately in respect of each such place of business.

(ii) (*a*) No importer or wholesale dealer shall, unless also registered as a retail dealer under this Act, sell motor spirit for consumption or sale in Mysore to any person other than an importer or a wholesale dealer or a retail dealer, registered as such under this Act.

(*b*) No retail dealer shall use or transfer for consumption any motor spirit stocked by him without its being included in his accounts and in the next return of retail sales submitted by him under section 5 (*b*).

(iii) Application for registration as an importer or a wholesale dealer or a retail dealer under this Act shall be made in such form and to such authority as may be prescribed.

(iv) Registration may be made subject to such conditions if any, as may be prescribed, including in the case of an applicant for registration as a retail dealer, the making of such deposit or the furnishing of such security as the registering authority may consider necessary to ensure the due payment of the tax, which may from time to time be payable by him.

(v) No person including a company or firm registered as an importer, a wholesale dealer or a retail dealer, shall carry on the business of public transport requiring the use of motor spirit.

(vi) Any registration under sub-section (i) may be suspended or cancelled by such authority, for such reasons and in such manner, as may be prescribed.

5. Every retail dealer in motor spirit shall in respect of each place where he carries on business—

(*a*) keep books of account in the prescribed form; and

(*b*) submit every month to the Deputy Commissioner and to such other officers as may be prescribed, a return in the prescribed form and before the prescribed date, showing—

(i) the quantity of motor spirit received by him during the preceding month;

(ii) the quantity sold by him during such month; and

(iii) such other particulars as may be prescribed.

6. Along with the return referred to in clause (*b*) of section 5, the retail dealer shall furnish a receipt from a Government Treasury for the amount of the tax due in

respect of the motor spirit sold by him in retail during the preceding month, according to the return.

7. (i) If no return is submitted by a retail dealer under clause (*b*) of section 5 in respect of any month before the date prescribed in that behalf, or if the return is submitted without a receipt for the full amount of the tax due as required under section 6, or if the return submitted appears to the Deputy Commissioner to be incorrect or incomplete, the Deputy Commissioner shall, after making such inquiry as he considers necessary, determine the amount of the tax due from such retail dealer in respect of such month and the amount so determined less the sum, if any, already paid by him shall be paid by the retail dealer into a Government Treasury within fourteen days after demand is made therefor :

Provided that before taking action under this sub-section, the retail dealer shall be given a reasonable opportunity of proving the correctness and completeness of his return.

(ii) In default of payment within the period aforesaid, the amount of tax due shall be recovered from the person from whom the tax is due as if it were an arrear of land revenue.

8. Every importer or wholesale dealer, shall—

(*a*) keep books of account in the prescribed form, and

(*b*) submit every month to the Deputy Commissioner and to such other officers as may be prescribed, a return in the prescribed form and before the prescribed date, showing—

(i) the quantity of motor spirit received by him in the preceding month,

(ii) the quantities of motor spirit supplied by him during such month to other importers, wholesale dealers or retail dealers specifying the name and address of each importer, wholesale dealer or retail dealer, the quantities supplied by him, and the dates on which the supplies were made, and

(iii) such other particulars as may be prescribed.

9. (1) All accounts and vouchers relating to stocks, purchases, sales and deliveries of motor spirit kept by importers, wholesale dealers and retail dealers and the

stocks of motor spirit with them shall be open to inspection by such officers as the Government may authorise in that behalf.

(2) Any such officer shall have power to enter and search any building, vehicle or place where any importer, wholesale dealer or retail dealer carries on business or keeps any stock of motor spirit.

10. Any person who—

(*a*) carries on business in motor spirit as an importer, a wholesale dealer or a retail dealer at any place without getting himself registered as required by sub-section (i) of section 4 or when his registration in respect of such place is not in force, or

(*b*) fails to keep books of account as required by clause (*a*) of section 5 or of section 8, or

(*c*) fails to submit any return as required by clause (*b*) of section 5 or of section 8 on or before the prescribed date, or submits an incorrect or incomplete return or fails to submit a receipt for the full amount of the tax due as required by section 6, or

(*d*) fails to pay the tax due from him within the time allowed, or

(*e*) fraudulently evades the payment of any tax due under this Act, or

(*f*) acts in contravention of any of the provisions of this Act,

shall, on conviction by a Magistrate of the First Class, be liable to a fine which may extend to one thousand rupees and where the breach is a continuing one, to a further fine which may extend to fifty rupees for every day after the first during which the breach continues.

11. The motor spirit in respect of which an offence against this Act is committed and any receptacle in which such spirit is contained shall be liable to confiscation.

12. (i) When in any case tried by a Magistrate, the Magistrate decides that any thing is liable to confiscation under section 11, he may, after hearing the person, if any, claiming any right there to and the evidence, if any, which he produces in support of his claim, order confiscation or may give the owner an option to pay such fine as the Magistrate deems fit in lieu of confiscation.

(ii) When an offence against this Act has been committed but the offender is not known, or cannot be

found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the prescribed officer who may order such confiscation :

Provided that no such order shall be made until the expiration of one month from the date of seizure of the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and the evidence, if any, which they produce in support of their claims.

13. (i) Any officer of the Government specially empowered by it in this behalf may issue a warrant for the arrest of any person whom he has reason to believe to have committed an offence against this Act.

(ii) All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1904, by a Police Officer, or if the officer issuing the warrant deems fit, by any other person.

14. Any officer of the Government specially empowered by them in this behalf may—

(*a*) enter and search any building, vehicle or place in which he has reason to believe that any motor spirit liable to confiscation under this Act is kept or concealed ;

(*b*) seize any motor spirit and any receptacle which he has reason to believe to be liable to confiscation under this Act ; and

(*c*) detain, search and arrest any person whom he has reason to believe to be guilty of any offence against this Act.

15. The provisions of section 61 of the Code of Criminal Procedure, 1904, shall apply to all arrests without warrant made under the last preceding section.

16. Every officer employed by the Government or by any local authority shall be bound to give immediate information at the nearest police station or, if so required by any general or special order issued by the Government, to the nearest Excise Officer of rank not below that of a sub-inspector, of all breaches of any of the provisions of this Act which may come to his knowledge ; and all such officers shall be bound to take all reasonable measures in their power to prevent the commission of any such

breaches which they may know or have reason to believe are about or likely to be committed.

17. (i) Every officer of the Excise, Police or Land Revenue Department not below such rank as may be prescribed, shall, within the area for which he is appointed, have power to investigate all offences against this Act.

(ii) Every such officer shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1904, upon an officer in charge of a police station for the investigation of a cognizable offence:

Provided that if such officer is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of an accused to a Magistrate, or that the person arrested may be discharged with a warning, such officer shall release him on his executing a bond, with or without sureties, to appear if and when so required before a Magistrate and shall make a full report of the case to the Deputy Commissioner.

18. i) All offences against this Act shall be bailable.

(ii) Any officer empowered under section 17 shall have power to grant bail in accordance with the provisions of the Code of Criminal Procedure, 1904, to any person arrested without warrant for an offence against this Act.

19. When anything has been seized by an officer exercising powers under section 17, such officer, after such inquiry as he considers necessary—

(*a*) if it appears that such thing is required as evidence in the case of any person arrested, shall forward the thing to the Magistrate to whom such person is forwarded or for his appearance before whom bail has been taken:

(*b*) if it appears that such thing is liable to confiscation but is not required as evidence as aforesaid, shall send the thing with a report of the particulars of the seizure to the prescribed authority; and

(*c*) if no offence appears to have been committed, shall return the thing to the person from whose possession it was taken and shall report to the prescribed authority accordingly.

20. (i) The prescribed authority may accept from any person who has committed or is reasonably suspected

of having committed an offence against this Act, by way of composition of such offence—

(*a*) where the offence consists of a sale of motor spirit in contravention of this Act or of the evasion of any tax payable under this Act, in addition to the tax payable by him under section 3, a sum of money not exceeding five hundred rupees or double the amount of the tax payable, whichever is greater; and

(*b*) in other cases, a sum of money not exceeding five hundred rupees.

(ii) On the payment of such sum of money and the tax, if any, payable under section 3, to the prescribed authority, the accused person shall be discharged, the property seized, if any, shall be released and no further proceedings shall be taken against such person or property in respect of such offence.

21. (i) No Magistrate shall take cognizance of any offence against this Act—

(*a*) except upon the complaint or report of the Deputy Commissioner or other prescribed authority, or

(*b*) except upon his own knowledge or suspicion.

(ii) Except with the sanction of the Government, no Magistrate shall take cognizance of any offence against this Act, unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed:

Provided that nothing contained in this sub-section shall apply to any case governed by section 23.

22. (i) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government, for any act done or purporting to be done under this Act, without the previous sanction of the Government.

(ii) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

23. No suit shall be instituted against the Government, and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other

proceeding is instituted within six months from the date of the act complained of.

24. (i) Any person aggrieved by any order passed under this Act, not being an order passed by any court or Magistrate, may appeal—

(*a*) in case such order is passed by a Deputy Commissioner, to the Government, and

(*b*) in any other case, to the Deputy Commissioner.

(ii) The appellate authority may, after giving the appellant an opportunity of being heard, pass such orders on the appeal as such authority thinks fit.

(iii) Every order passed in appeal under this section shall, subject to the powers of revision conferred by section 25, be final.

25. The Government may, at any time, call for and examine the record of any order passed by, or any proceedings recorded by, any officer or person under this Act, for the purpose of satisfying itself as to the legality or propriety of such order, or as to the regularity of such proceedings, and may pass such order in reference thereto at it thinks fit.

Nothing contained in this section shall apply to the orders or proceedings of any court or Magistrate.

26. (i) The Government may make rules to carry out the purposes of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the regulation of the sale of motor spirit for the purpose of enforcing the provisions of this Act;

(*c*) the duties and powers of inspecting and other officers appointed or authorised to exercise any powers under this Act, and the procedure to be followed by such officers;

(*d*) the form in which, and the time within which, appeals under section 24 may be preferred; and

(*e*) any other matter for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of the Government, necessary for giving effect to the purposes of this Act.

(iii) In making a rule under sub-section (i) or sub-section (ii), the Government may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees and where the breach is a continuing one, with further fine which may extend to fifty rupees for every day after the first during which the breach continues.

(iv) The power to make rules conferred by this section shall, except on the first occasion of the exercise thereof, be subject to the condition of the rules being made after previous publication for a period of not less than four weeks.

27. All rules made and notifications issued under this Act shall be published in the official Gazette and upon such publication, shall have effect as if enacted in this Act.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 453—*Legis.* 8-40-1, *dated Bangalore, the* 19*th July* 1940.

Ordered that the accompanying Act further to amend the Mysore Arms Act, 1890, which received the assent of His Highness the Maharaja, on the 9th day of July 1940, be published as Act No. XXIII of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government, Law Department.

ACT No. XXIII OF 1940.

THE MYSORE ARMS (AMENDMENT) ACT, 1940.

An Act further to amend the Mysore Arms Act, 1890.

(*Received the assent of His Highness the Maharaja on the 9th day of July 1940.*)

WHEREAS it is expedient further to amend the Mysore Arms Act, 1890;

It is hereby enacted as follows:—

(1) This Act may be called the Mysore Arms (amendment) Act, 194 . Short title.

(2) In the second paragraph of section 11 of the Mysore Arms Act, 1890, for the words "three years," the words "one year" shall be substituted. Amendment of Section 11, Act VI of 1890.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 454—Legis. 7-40-1, dated Bangalore, the 19th July 1940.

Ordered that the accompanying Act further to amend the Sugar (Excise Duty) Act, 1934, which received the assent of His Highness the Maharaja, on the 9th day of July 1940, be published as Act No. XXII of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XXII OF 1940.

THE SUGAR (EXCISE DUTY) (AMENDMENT) BILL.

(*Received the assent of His Highness the Maharaja on the 9th day of July 1940.*)

Whereas it is necessary to revise the Excise Duty on sugar;

It is hereby enacted as follows:—

1. (*1*) This Act may be called the Sugar (Excise Duty) (amendment) Act, 194 .

(*2*) It shall come into force at once.

(*3*) The Sugar (Excise Duty) (amendment) Act, 1940 (Emergency Act No. XV of 1940), is hereby repealed.

2. In clause (ii) of sub-section (2) of section 3 of the Sugar (Excise Duty) Act, 1934, for the words "two rupees," the words "three rupees" shall be substituted.

MIRZA M. ISMAIL,
Dewan.

No. P. 492—*Legis.* 2-40-5, *dated Bangalore, the* 22*nd July* 1940.

The following Notification of the Government of India, Defence Co-ordination Department is republished for general information.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 8th June 1940.

No. 366-*OR*/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

To clause (a) of sub-rule (2) of rule 81 of the said Rules, the following shall be added, namely :—

"and in particular for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances."

A. de C. Williams,
Secretary to the Government of India.

No. P. 493—*Legis.* 2-40-6, *dated Bangalore, the* 22*nd July* 1940.

In exercise of the powers conferred by Rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja hereby direct that

the following articles shall be added to the list of articles specified in Notification No. P. 1490—Legis., dated the 7th September 1939, namely:—

Matches.
Household Soap.
Fodder, bran, pollard and oil-cakes.

No. P. 494—*Legis.* 2-40-7, *dated Bangalore, 22nd July* 1940.

In exercise of the powers conferred by section 2 of the Defence of India Act, 1939, as applied to Mysore (Act No. XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that the powers conferred on it by clause (a) of sub-rule (2) of rule 81 of the Defence of India Rules, as applied to Mysore, to provide by order for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (a) thereof, shall be exercisable by Deputy Commissioners of Districts in their respective districts subject to the following conditions namely:—

(*a*) the said powers shall be exercisable only in respect of the articles specified in Notification No. P. 1490—Legis., dated 7th September 1939, except Petrol.;

(*b*) the said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Government.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

No. P. 495—*Legis.* 2-40-8, *Dated Bangalore, 22nd July* 1940.

The following Notifications of Government of India are hereby published for general information.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 29th June 1940.

No. 418-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After rule 60 of the said Rules, the following rule shall be inserted, namely :—

Power to exclude Indian vessels from particular areas.

"60-A. (1) The Central Government may, if it appears to it to be necessary or expedient so to do for the purpose of facilitating the protection of shipping or the efficient prosecution of war, by order require any vessel registered in British India to leave, or to keep away from, any area specified in the order, and any such order may make provision for such incidental and supplementary matters as appear to the Central Government to be necessary or expedient.

(2) If in the case of any vessel registered in British India an order under sub-rule (1) is contravened or not complied with, the master of the vessel and the owner or other person having the management thereof shall each

be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine."

Simla, the 29th June 1940.

No. 510-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 92 of the said Rules, sub-rules (1) and (2) shall be renumbered as sub-rules (2) and (3), respectively and before sub-rule (2) as so renumbered, the following sub-rule shall be inserted, namely :—

"(1) The Central Government may by notified order direct the owners of any such foreign exchange as is specified in the order to make a return to the Reserve Bank of India within such period, and giving such particulars as to the foreign exchange, as may be specified in the order."

A. de C. Williams,
Secretary to the Government of India.

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